



Roll Call Number

Agenda Item Number

18

Date June 8, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF A PRELIMINARY PLAT/PUD DEVELOPMENT PLAN "COPPER CROSSING" ON PROPERTY LOCATED IN THE VICINITY OF 5400 BLOCK OF EASTON BOULEVARD (NORTHEAST 23RD AVENUE)

WHEREAS, on May 21, 2015, the City of Des Moines Plan and Zoning Commission voted 10-1 to APPROVE a request from Kading Properties, LLC (developer), represented by Karie Ramsey (officer), for review and approval of a Preliminary Plat/PUD Development Plan "Copper Crossing" on property located in the vicinity of the 5400 Block of Easton Boulevard (Northeast 23rd Avenue), to allow a subdivision for 54 single-family residential lots, 20 single-family semi-detached lots (94 total units) and a 4.3 acre outlot for future multiple-family residential development on a total of 32.6 acres of land, subject to the following revisions:

- 1. Compliance with all platting requirements of the Permit and Development Center.
2. A note shall be added to state that the landscape buffer along the west site boundary shall be planted at such time that the site is graded and construction begins on streets and utilities.
3. Provision of a tree survey that identifies all trees that would be removed over 6 inches in caliper for review by the Municipal Arborist. Depending on this review, additional trees throughout the development may be necessary to ensure that an appropriate number of replacement trees are being provided.
4. Outlots shall be maintained by an owner's association or by covenants applied to each residential property owner.
5. The stormwater detention area within Outlot A shall be reconfigured to accommodate the required 20-foot wide landscape buffer along the west site boundary.
6. Provision of access easements for the portions of the turnaround at the north terminus of East 55th Street that are outside of the right-of-way.
7. A note shall be added to state that the street connection to Northeast 30th Place (Hull Avenue) at the northwest corner of the site shall not be constructed until such time that the entire north/south street through the site is constructed; and

WHEREAS, the final subdivision plat will be submitted for City Council approval when completed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

MOVED BY \_\_\_\_\_ to receive and file.

(13-2015-1.23)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

MOTION CARRIED APPROVED Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Date June 8, 2015

Agenda Item 18

Roll Call \_\_\_\_\_



June 1, 2015

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 21, 2015, the following action was taken regarding a request from Kading Properties, LLC (developer) represented by Karie Ramsey (officer), for review and approval of a Preliminary Plat/PUD Development Plan "Copper Crossing" on property located in the vicinity of 5400 Block of Easton Boulevard (Northeast 23rd Avenue).

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson				X
CJ Stephens		X		
Vicki Stogdill	X			
Greg Wattier				X

**APPROVAL** of the proposed Preliminary Plat subject to the following conditions:  
(13-2015-1.23)

1. Compliance with all platting requirements of the Permit and Development Center.

2. A note shall be added to state that the landscape buffer along the west site boundary shall be planted at such time that the site is graded and construction begins on streets and utilities.
3. Provision of a tree survey that identifies all trees that would be removed over 6 inches in caliper for review by the Municipal Arborist. Depending on this review, additional trees throughout the development may be necessary to ensure that an appropriate number of replacement trees are being provided.
4. Outlots shall be maintained by an owner's association or by covenants applied to each residential property owner.
5. The stormwater detention area within Outlot A shall be reconfigured to accommodate the required 20-foot wide landscape buffer along the west site boundary.
6. Provision of access easements for the portions of the turnaround at the north terminus of East 55th Street that are outside of the right-of-way.
7. A note be added to the conceptual plan to state that the street connection to Northeast 30th Place (Hull Avenue) at the northwest corner of the site shall not be constructed until such time that the entire north/south street through the site is constructed.

#### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed Preliminary Plat subject to the following conditions:

1. Compliance with all platting requirements of the Permit and Development Center.
2. A note shall be added to state that the landscape buffer along the west site boundary shall be planted at such time that the site is graded and construction begins on streets and utilities.
3. Provision of a tree survey that identifies all trees that would be removed over 6 inches in caliper for review by the Planning Administrator. Depending on this review, additional trees throughout the development may be necessary to ensure that an appropriate number of replacement trees are being provided.
4. ~~Outlots that are proposed for accommodating extension of future development and future street Right-of-Way~~ shall be maintained by an owner's association or by covenants applied to each residential property owner.
5. The stormwater detention area within Outlot A shall be reconfigured to accommodate the required 20-foot wide landscape buffer along the west site boundary.

6. Provision of access easements for the portions of the turnaround at the north terminus of East 55th Street that are outside of the right-of-way.
7. A note be added to the conceptual plan to state that the street connection to Northeast 30th Place (Hull Avenue) at the northwest corner of the site shall not be constructed until such time that the entire north/south street through the site is constructed.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The preliminary plat would allow for one- and two-family dwellings in accordance with the existing Copper Crossing PUD Conceptual Plan. The portion of the Conceptual Plan that is designated for multiple-family residential would be platted as "Outlot A". Any development of this area would be require a future plat and/or PUD Development Plan reviewed by the Plan & Zoning Commission. A portion of this outlot would be used for stormwater detention.

The submitted Preliminary Plat maintains the general lot pattern and lot sizes required in the PUD Conceptual Plan. The plat provides 54 lots for single-family residential and 20 lots for bi-attached units (40 dwelling units), for a total of 94 dwelling units. The preliminary plat demonstrates that all lots would front a public street. The network of streets includes a main north/south public street that would be accessed from Northeast Oakhill Drive to the south and provide a stub for a future connection to the undeveloped land to the north. The preliminary plat also includes an extension of Hull Avenue from NE 53<sup>rd</sup> Court at its northwest corner.

The submitted Preliminary Plat provides 3.68 acres of tree conservation easements, which exceeds the 3.47 acres demonstrated on the PUD Conceptual Plan. The Preliminary Plat also complies with the landscaping standards contained in the PUD Conceptual Plan, which requires each of the 74 lots to provide 1 street tree, 2 overstory trees, 1 coniferous tree, 2 understory trees, and 4 shrubs. The plat also provides a 10-foot wide buffer along the west site boundary that would contain 1 overstory tree, 3 coniferous trees, and 6 shrubs per 100 lineal feet. Therefore, the 2,100 lineal feet would require a total of 21 overstory trees, 63 coniferous trees, and 126 shrubs.

2. **Size of Site:** 32.6 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District with the "Copper Crossing PUD Conceptual Plan".
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**

**North** - Suburban (Polk County designation) and "PUD"; Uses include agricultural production and the mixed-density Brook Run residential development.

**South** - Suburban (Polk County designation); Uses include NE 23<sup>rd</sup> Avenue (Easton Blvd), a cemetery, and single-family residential.

**East** - Suburban (Polk County designation); Uses include single-family residential.

**West** - Suburban (Polk County designation); Use is a low-density subdivision in unincorporated Polk County.

6. **General Neighborhood/Area Land Uses:** Low-density single-family residential uses and agricultural production.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. However, all recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agendas to all recognized neighborhoods on March 30, 2015 and May 1, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on April 6, 2015 (10 days prior to the original date of public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the "PUD" Planned Unit Development. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 15, 2015.
8. **Relevant Zoning History:** On October 25, 2004, the City Council adopted Ordinance 14,384 to rezone the property from "A-1" Agricultural District to "PUD" District and approve the Copper Crossing PUD Conceptual Plan. This Conceptual Plan allows this parcel to be developed with 143 dwelling units, including 28 dwelling units within single-family dwellings, 67 dwelling units within one- and two-family dwellings, and 48 dwelling units within four (4) multi-family residential structures.

On January 15, 2015, the Plan & Zoning Commission voted to continue a public hearing on a proposed amendment to the Copper Crossing PUD Conceptual Plan. The amendment would have reconfigured the residential unit composition to increase overall density from 143 dwelling units to 219 dwelling units, including 77 dwelling units within one-family dwellings and 142 dwelling units within 71 two-family dwellings. The applicant subsequently withdrew that proposal and is now proposing to develop the site in accordance with the existing approved PUD Conceptual Plan.

9. **2020 Community Character Land Use Plan Designation:** The northern portion of the subject property is designated as Low-Density Residential, which allows for densities of up to 6 dwelling units per acre and the balance is designated as Low/Medium-Density Residential, which allows for densities of up to 12 dwelling units per acre. The proposed preliminary plat is in conformance with these designations.
10. **Applicable Regulations:** The Commission shall determine if the preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code and consider the criteria set forth in Chapter 18B of the Iowa Code. The Commission shall also determine if it conforms to the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to

the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Landscaping:** The Preliminary Plat complies with the landscaping standards contained in the PUD Conceptual Plan, which requires each lot to provide 1 overstory street tree, 2 overstory trees, 1 coniferous tree, 2 understory trees, and 4 shrubs. Therefore, the 74 proposed lots cumulatively require 74 street trees, 148 overstory trees, 74 coniferous trees, 148 understory trees, and 296 shrubs.

The plat also provides a 10-foot wide buffer along the west site boundary that would contain 1 overstory tree, 3 coniferous trees, and 6 shrubs per 100 lineal feet. Therefore, the 2,100 lineal feet of property lien would require a total of 21 overstory trees, 63 coniferous trees, and 126 shrubs. The Preliminary Plat must include a statement that the landscape buffer along the west site boundary will be planted at such time that the site is graded and construction begins on streets and utilities.

The cumulative plantings required for the street trees, residential lots, and the buffer total 317 overstory trees, 137 coniferous trees, 148 understory trees, and 422 shrubs. (This equates to 602 trees and 422 shrubs.)

2. **Natural Site Features:** The Preliminary Plat provides 3.68 acres of tree conservation easements, which exceeds the 3.47 acres of tree conservation easements demonstrated on the PUD Conceptual Plan. The plat states that existing trees 6 inches caliper or greater within the easements shall be protected to remain alive and healthy through all phases of development. It also states conservation fencing shall be installed prior to any construction or demolition activities in areas where conservation easement is within 50 feet of any proposed grading or utility construction.

The approved PUD Conceptual Plan requires that before a preliminary plat can be approved, the developer must submit a tree survey that identifies all tree over 6 inches in diameter measured one foot above the ground and provide a tree preservation plan for the trees that can feasibly be retained and a mitigation plan for the trees that cannot feasibly be retained. The developer is currently in the process of having the tree survey and the preservation planned prepared. Therefore, any approval of the preliminary plat by the Plan & Zoning Commission shall be subject to provision of a tree survey that identifies all trees that would be removed over 6 inches in caliper for review by the Planning Administrator. Depending on this review, additional trees throughout the development may be necessary to ensure that an appropriate number of replacement trees are being provided. Staff notes that it is possible that the required plantings as noted in the "Landscaping" section of this report may provide sufficient mitigation.

- 3. Utilities:** Water service is available to the site from an existing main within the Brook Run subdivision to the northwest. The developer is responsible for all costs associated with constructing the necessary water connections.

No public storm or sanitary sewers are readily available to serve this property. The developer is responsible for all costs associated with constructing the utilities necessary for serving the development. The preliminary plat demonstrates that the sanitary sewer would connect to existing facilities located 3,000 feet to the south within Northeast 56<sup>th</sup> Street right-of-way. The developer is responsible for all costs associated with constructing the necessary sewer connections.

- 4. Drainage/Grading:** Any development of the site must comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.

The Preliminary Plat provides stormwater detention areas within the southern portion of the site (Outlot A) and within northwest portion of the site (Outlot B). The preliminary plat must state that these outlots for stormwater detention shall be maintained by an owner's association or by covenants applied to each residential property owner.

The stormwater detention area within Outlot A must be reconfigured in order to accommodate a 20-foot wide landscape buffer that is required for this portion of the site in accordance with the PUD Conceptual Plan.

- 5. Traffic/Street System:** The proposed preliminary plat provides a street network consisting of a main north/south public street (East 55<sup>th</sup> Street) through the site and multiple cul-de-sacs and side streets. It also provides an extension of Hull Avenue from NE 53rd Court at the northwest corner of the development. East 55<sup>th</sup> Street would include a left turn lane at its intersection with Northeast Oakhill Drive to the south and it would be stubbed at the north edge of the development to connect with future development to the north. The preliminary plat provides a turnaround at the north terminus of East 55<sup>th</sup> Street until such time that it extends to the north. Access easements must be provided for the portions of the turnaround that are outside of the right-of-way. The developer is responsible for all costs associated with constructing the streets.

The preliminary plat demonstrates that 5-foot wide sidewalks along both sides of all streets within the development. A 5-foot wide sidewalk must also be provided along NE Oak Hill Drive. The developer is responsible for all costs associated with constructing the sidewalks.

The plat provides three (3) 6-foot by 25-foot traffic calming islands within East 55<sup>th</sup> Street. This provides the traffic calming as requested by the City's Traffic & Transportation Division.

6. Staff recommends that a note be added to the preliminary plat to state that the street connection to Northeast 30<sup>th</sup> Place (Hull Avenue) at the northwest corner of the site shall not be constructed until such time that the entire north/south street through the site is constructed. This would ensure that the street connection to Northeast 30<sup>th</sup> Place function solely as a secondary access and not as a primary access.
7. **Fire Protection Comments:** In accordance with International Fire Code Section D104.3, no more than 30 dwelling units can be constructed on the site until the public street is constructed across the entire site in order to provide the minimum required two separate points of egress.
8. **Bulk Regulations:** In accordance with the PUD Conceptual Plan, all lots for one-family residential use contain at least 8,600 square feet of lot area and all lots for two-family residential use contain at least 10,000 square feet of lot area. All dwellings would have a minimum front yard setback of 25 feet, a minimum side yard setback of 7 feet (15 feet of total side yard setback), and minimum rear yard setback of 30 feet.
9. **Urban Design:** The preliminary plat complies with the Copper Crossing PUD Conceptual Plan. All one- and two-family dwellings would be 1, 1-½, or 2 stories with a minimum two-car attached garage. The one-family dwellings would have a minimum of 1,200 square feet of finished living area and the two-family dwellings would have a minimum of 1,100 square feet of finished living area. All dwelling units would have a basement.

The plat states that all dwellings would be constructed with exterior designs compatible with the character designs contained in the Copper Crossing PUD Conceptual Plan. Permitted building materials include cement board siding, engineered wood, brick, stone, glass, and architectural style asphalt shingles. Prohibited materials include plywood, plastic, plaster, and composite panel siding. All primary exterior colors shall be earth tones, including shades of brown, tan, grey, white, and muted tones of green, blue, and yellow.

## SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

CJ Stephens asked what is the recommended number of feet between the curb and the sidewalk.

Erik Lundy stated the right-of-way width accommodates a five foot sidewalk, 6 inch curb and a 6.5 foot parkway between the curb and sidewalk.

CJ Stephens asked if the Municipal Arborist had comments about the type of trees. She would like to receive some feedback from the Municipal Arborist.

Erik Lundy stated the Municipal Arborist reviews the plat and expressed no adverse comments in his review.

Mike Ludwig stated the PUD allows for removals and it has to be documented what is over 6 inches or greater in caliper. When the PUD was approved there was a requirement of 5 or 6 trees had to be planted per lot throughout the development which far exceeds what the mitigation ratios are in the code.

CJ Stephens stated that she was not really talking about numbers but she is talking about the species and survival.

Mike Ludwig stated that they can choose trees from the approved tree list in the landscape standards to plant from. There is latitude for the homeowner and designer to choose the trees for their property based on the approved tree list.

CJ Stephens stated she has concerns about condition #2 regarding the planting of the trees prior to grading and construction of streets and utilities. She would like for the trees to be protected during that time.

Erik Lundy explained that condition #2 is based on the current scenario. It could take quite a bit of time for this to develop out and staff believes that the buffering for that west side needs to be started.

Jonathan Rosenbloom asked if a tree survey will be done for the entire PUD. Will trees 6" or larger within the easement areas remain and will trees 6" or larger outside the easement be removed and mitigated?

Erik Lundy stated that is correct. Staff wants the applicant to show a plan and they will also show what they are protecting. The grading plan will identify the tree protection measures.

Jonathan Rosenbloom asked if it is correct that there are two different areas that will be treated differently.

Mike Ludwig stated within the easements staff wants to preserve what's there and not have removals of anything. Outside of the easements staff would be asking for mitigation for trees 6" or greater in diameter.

Jonathan Rosenbloom asked where the easements are located.

Erik Lundy identified the easements on the plat.

Dan DeCamp, Abaci Consulting, Inc. 101 NE Circle Drive, Grimes stated the intent of the layout was to comply with all of staff recommendations. They went through some extensive grading detail to try and match up as much as they could with the current PUD as far as tree preservation. The current easement had 3.47 acres of tree preservation and they are proposing 3.49 acres of tree preservation. He spoke about the utilities and where they will be located. He spoke about where the storm water detention area will be and the drainage patterns. So far they have done everything staff has asked them to do except for condition #3. They have done the revisions and added the notes that staff requested. They sent a revised preliminary plat to staff earlier today. The tree survey, is the only thing they have

not done yet. Mark Dungan with Polk County Conservation is currently working on that tree survey.

Sasha Kamper asked how the water will drain from the detention basin that is in the Outlot if it is uphill.

Dan DeCamp stated because of its location and elevation they will have to do what is called passive detention which won't have an active drain. This basin has one pipe and they will have to design structures within the area that when the stormwater comes down the pipe and it tries to turn the corner to come out, it will be restricted by an orifice plate or weir structure and that will force the water to back up into the basin.

Sasha Kamper asked if there were maintenance problems over time with that orifice.

Dan DeCamp stated no, it is typical for a detention to have an orifice. The only difference is the basin fills up and the orifice restricts that water from coming out of the basin. Whereas, with this basin the orifice causes the water to backup into the basin.

Mike Ludwig stated that is one of the reasons for staff's condition #4 as amended. Staff wants to make sure there is not an ability to change the covenants on the property. Staff wants to make sure that all of the properties and lots within the development have an equal responsibility for continuing maintenance of that detention basin.

CJ Stephens asked if this property and development will be turned over to a homeowner association.

Chris Pose 317 6<sup>th</sup> Avenue, Suite 300 stated typically these types of associations would be owned by the developer or controlled by the developer until all of the lots are developed. There would be records and everything that's turned over to the association once the homeowners get it. Developers will do that because there may be a change in economic conditions where they will want to maintain flexibility when they have the entire property. He would not envision that the maintenance responsibility would be turned over to anybody until all those lots are sold.

CJ Stephens stated she understands that and she understands where the homeowners association ended up with this responsibility and it ended up in a law suit between the property owners and the developers. If this can be avoided she believes that would serve the City and the homeowners to the best.

Chris Pose agreed and stated there have been news stories about problems with associations. Most of the suburbs require these associations and try to deflect all of the responsibility onto these associations so if the EPA ever issues fines to people they don't include the City on those notices. Stormwater detention is a big deal to the engineers when they design it. They want to make sure it works for the association who will have to govern it. The design and the way the developers will do it will control and make it work.

JoAnne Corigliano asked what is the grade between the detention pond and its natural waterway?

Dan DeCamp stated there is a pretty substantial grade difference from the pond area down to the outlet. They have noted elevations at each storm structure per staffs request.

Mike Ludwig asked if 15 feet is the depth of the pipe.

Dan DeCamp stated the 15 feet is the depth of the storm sewer not the depth of the detention basin. The depth of the detention basin is roughly six feet and the pipe is below that.

JoAnne Corigliano stated she appreciates that it is so deep. However, she wondered about the handling of the natural flow of the stormwater.

Dan DeCamp stated they are going to maintain the drainage pattern.

Jonathan Rosenbloom asked for clarification of the purpose of calculating the shrubbery and the number of trees per lot will they be counting what is in the easement towards that or will there be a separate count.

Mike Ludwig stated the idea is that it is separate from what is in the easement.

CJ Stephens asked if the entire property is an acre or more isn't the property subject to mitigation.

Mike Ludwig stated the issue is the tree mitigation ordinance was adopted after this PUD was in place, so the PUD actually has a higher standard for mitigation. Staff is holding them to the higher standard of the two.

CJ Stephens concerned about not having the tree survey even though the approval of the preliminary plat by the Plan and Zoning Commission shall be subject to the provision of a tree survey that identifies all trees that would be removed over 6 inches in caliper for review by the Planning Administrator.

Mike Ludwig stated staff was proposing that it be an administrative review based on the fact that the easement area really has not changed on this plan from the approved PUD. They are willfully complying with the specified planting per lot. Therefore, it's just a matter of them submitting a survey proving that the 6 inch trees getting removed that they do not need any additional mitigation.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Marlon Mormann 3320 Kinsey Avenue, President of Northeast Neighbors Incorporated, which is a consortium of nine associations on the north and east side of Des Moines, stated the overall concept of the plan is acceptable to the Northeast Neighbors. However, their concern is the 4.2 acre parcel for multi-family housing. The reason is the rapid development of multi-family housing along Hubbell Avenue from E. 38<sup>th</sup> Street to Broadway has caused

so many problems with schools, traffic, lack of response time for emergency vehicles and a variety of other problems that come along with too many units in too small of an area. They would like to see some kind of a limit on the number of units that can be developed on that area in the future.

Donald Buckley 2835 NE 53<sup>rd</sup> Ct. stated his concerns are:

- The traffic increase and traffic coming down some of those side streets very fast with children walking and playing.
- Where will the kids go to school.
- Emergency Response – will it come from the City of Des Moines or Delaware Township.
- Water flow along the west side of the property

Jeff Klunenberg 2970 NE 56<sup>th</sup> Street asked are there any requirements for street lights.

Erik Lundy stated yes, the streets will have to meet urban design standards which require spacing on street lights.

Steve Cain 2930 NE 56<sup>th</sup> Street stated his concerns are the increased traffic and the market value of the multi-family units proposed. He is concerned that depending on the market value of these multi-family units it will lower the value of his property.

Lana Ballard 2810 NE 56<sup>th</sup> Street asked about an area similar to the ones that are being proposed because the one she has seen is not very attractive. She also asked how they get 6 dwellings on 1 acre of land.

Greg Jones stated according to the comprehensive plan that is just a round figure for low density residential.

Mike Ludwig stated per the Comprehensive Plan Land Use Designation, low density residential allows up to 6 units an acre, but that would not be 80 foot wide lots which is what is proposed.

Erik Lundy stated the maximum density in this proposal is 3.3 for the northern area, the middle area is 4.8 units per acre and the southern portion would be 10 units per acre which at the max is 48 units within that area.

Lana Ballard asked if this is similar to the one in Altoona.

Erik Lundy stated he is not familiar with the one in Altoona.

Lana Ballard stated the one in Altoona is done by Kading Properties.

Mike Ludwig stated that any development has to meet the development standards that were set for the Planned Unit Development. There were architectural character elevations provided for the housing. A minimum square footage, requirement for basements and a number of design criteria. The multi-family, bi-attached units and single-family units were all

comparable to what was developed in Cooper Creek Golf Course development. This approved PUD was consistent with that level of development.

Lana Ballard asked if these units do not sell like the Cooper Creek Condos will they be rented or leased out.

Rodney Gallant 2868 NE 56<sup>th</sup> Street stated the applicant set up a meeting and showed them the design and layout and those houses were built gutter to gutter. He is curious as to what these units will look like and the spacing between units.

Erik Lundy stated that meeting might have been on the previous amendment and not on the current plat.

Rodney Gallant stated he thought it was.

Erik Lundy explained that the required front yard setback is 30 feet, total side yard of 15 and 7' minimum on one side and rear yard setback is 30. In the semi-detached portion of the development they will have the 7 foot minimum side yard on one side and total of 15 feet and rear yard of 30 feet. Depending on the width of right-of-way they might have a 25 foot or 30 foot setback.

Rodney Gallant asked does the 7 foot include the overhang.

Erik Lundy stated in the City of Des Moines allows – 2 feet of overhang to encroach into a setback.

Michael Christianson 2990 NE 56<sup>th</sup> Street stated his concerns are also the increased traffic and the declining home market value.

Jeff Klunenberg 2970 NE 56<sup>th</sup> Street asked who would serve as the emergency responders to this area.

Mike Ludwig stated the understanding is what's in the city limits is served the City of Des Moines emergency responders.

### *Rebuttal*

Chris Pose stated currently, the outlot is proposed that way so nothing can happen to it. This developer is not proposing to do anything with that piece of land. He believes the confusion came about when the developer came in and proposed a denser project which was in January. However, since that time the developer has been trying to resolve issues to make this work with the original Cooper Creek PUD. The main thing they have fought against is the tree preservation area at the side of the site, but that is the best drainage area for the property. If the applicant were to redesign this they would put the detention basin back in that area and move some of those lots out. However, the complexity of the PUD Amendment process really prohibits them from doing that. As part of the original January discussion there was a lot of concern raised about traffic and the City of Des Moines required a traffic study be done, which was completed and that is why the street design was

laid out as it is. The street system is better than the original PUD provided because there are now traffic calming measures that are part of the proposal and part of the street layout. There is an extensive utility expense involved in this project. There are no utilities that touch the property. They will all have to be brought in and strung through the property before anything can happen and that will dictate the timing of how all of this occurs. Because of that kind of expense these are going to be expensive lots. At this time the developer is not proposing a product, other than whatever is built will be consistent with the Cooper Creek PUD specifications. The plans will probably be developed by another builder as they move along, but the lot price is going to be in the neighborhood of \$50,000 a lot and if the home prices follow the formula that says they might be three times the value of the lot they will be \$150,000 houses perhaps being built. This area is a finger of land that is in the City. There was outreach with the schools done and the schools had no concerns.

Will Page asked what was the density in the previous amendment?

Mike Ludwig stated this plat has two fewer lots than the approved PUD. The submittal in January was for 219 units which was not approved and was withdrawn by the applicant.

Chris Pose stated that previous staff recommendation was very negative. The current application is materially different than the one in January.

Dory Briles asked about a berm or trees on the west side.

Chris Pose stated at this time there are no plans for a berm on the west side of lots. As the property developed there might be plans.

Mike Ludwig stated the road and the utilities will go in up front and the houses will build out over time.

Dan DeCamp stated the reason a berm cannot be provided is because up on the north end a swale would have to be put in there in order to collect all of the stormwater before it gets to those properties and take it to the basin. On the south end they have to leave it alone because they have to continue to allow runoff from the lots to the west to go through because they cannot block it off.

Sasha Kamper asked should multi-family come into the discussion would they have to come back to the Plan and Zoning Commission.

Mike Ludwig stated yes because it would be a replat of that outlot. The final plat goes to the City Council so it will not come back to the Plan and Zoning Commission.

Jonathan Rosenbloom asked for clarification the PUD as it currently stands has the outlot in a position that the Commission would only at this point be looking at the plat when it came back. There would be no need to alter the PUD itself.

Mike Ludwig stated currently they are showing it as stormwater detention. There was stormwater detention shown a little further to the south on the original PUD that was approved. The Commission would be tweaking where the buildings would go, so the plat

would definitely have to come back to the Commission to change it from an outlot to a buildable lot and if the buildings were changing locations from what was shown on the approved PUD that would be a concept plan amendment. Any change and any increase in density from what was approved on the original plan would come back to the Planning Commission.

Jonathan Rosenbloom asked if there is a way to simply remove the existing permission for a multi-family on the PUD.

Chris Pose stated they do not want to change anything on the multi-family parcel or get into any kind of PUD amendment at this time because they do not want to lose the value of it as it was purchased. Since they are not going to be developing the multi-family piece they don't want to discuss it. If someone else is going to come in then they have to overcome those challenges as they may be. Amending the PUD can be expensive and extensive.

Sasha Kamper asked if at some point multi-family units were to be developed would the detention basin have to be moved or changed.

Chris Pose stated maybe but that would be a problem that developer would have to face. The original multi-family piece has a layout of buildings on it too. Hypothetically, if someone was coming in today to try to do this they are losing one of the buildings to the detention basin and whatever buildings remain would have to be fairly consistent to what is shown on the plans. The multi-family area has some challenges because a large part of it is being taken up for stormwater detention.

Jonathan Rosenbloom noted the work that was done on the easement is great and appreciated.

Mike Ludwig stated there was a traffic study done and that was reviewed. Notification was sent to the school district for this proposal and there have been no concerns that staff is aware of. The Southeast Polk School District does have capacity. They built a brand new school with the anticipation of growth further out in the Altoona and Mitchellville area. There is capacity to absorb 94 dwelling units on this property in their district. Which schools they would go to is up to the boundary lines and the school district. The City of Des Moines is responsible for providing the emergency responder service.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

JoAnne Corigliano moved staff recommendation.

CJ Stephens asked for a friendly amendment to require that the Municipal Arborist review the tree survey.

JoAnne Corigliano accepted the friendly amendment.

**COMMISSION ACTION:**

JoAnne Corigliano moved staff recommendation for approval of the proposed Preliminary Plat subject to the following conditions:

1. Compliance with all platting requirements of the Permit and Development Center.
2. A note shall be added to state that the landscape buffer along the west site boundary shall be planted at such time that the site is graded and construction begins on streets and utilities.
3. Provision of a tree survey that identifies all trees that would be removed over 6 inches in caliper for review by the Municipal Arborist. Depending on this review, additional trees throughout the development may be necessary to ensure that an appropriate number of replacement trees are being provided.
4. Outlots shall be maintained by an owner's association or by covenants applied to each residential property owner.
5. The stormwater detention area within Outlot A shall be reconfigured to accommodate the required 20-foot wide landscape buffer along the west site boundary.
6. Provision of access easements for the portions of the turnaround at the north terminus of East 55th Street that are outside of the right-of-way.
7. A note be added to the conceptual plan to state that the street connection to Northeast 30th Place (Hull Avenue) at the northwest corner of the site shall not be constructed until such time that the entire north/south street through the site is constructed.

Motion passed 10-1 (CJ Stephens voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Kading Properties, LLC (developer) represented by Karie Ramsey (officer) on property located in the vicinity of 5400 Block of Easton Boulevard (Northeast 23rd Avenue). The subject property is owned by First National Bank.		File # <b>13-2015-1.23</b>		
<b>Description of Action</b>	Approval of a Preliminary Plat/PUD Development Plan "Copper Crossing", to allow a subdivision for 54 single-family residential lots, 20 single-family semi-detached lots and a 4.2 acre outlot all on a total of 32.6 acres of land subject to conditions.			
<b>2020 Community Character Plan</b>	Current: Low Density Residential, Low/Medium Density Residential, and Medium Density Residential. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	Easton Boulevard Widening.			
<b>Current Zoning District</b>	"PUD" Planned Unit Development.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	10-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No X

Kading Properties, LLC, 5460 NE 23rd Avenue

13-2015-1.23

